



38

**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *[Signature]*

FROM: Lynn Vous, Assistant County Attorney *[Signature]*

CONCUR: Pam Hastings, Administrative Manager/Public Works Department
Ed J. Torres, M.S., P.E., Principal Engineer *[Signature]* *in ET.*
Capital Projects Manager/ Roads-Stormwater Division

DATE: June 7, 2005

SUBJECT: Litigation Settlement Authorization
Owner: Seminole Co. S.R. 46, Ltd.
Parcel No. 6
Elder Creek/C-15 (Ponds) improvement project

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 6. This parcel is required for the Elder Creek/C-15 (Ponds) improvement project. The recommended settlement amount is \$110,000.00 inclusive of all fees and costs incurred.

I THE PROPERTY

A. Location Data

The property is located at the southwest corner of Narcissus Avenue and County Road 15 (Upsala Road) within unincorporated Seminole County, Florida.

1. Location Map (Exhibit A); and
2. Sketch (Exhibit B)

B. Address

4100 Geranium Lane
Sanford, Florida 32771

C. Description

The parent tract consists of 18.299 gross acres. The subject site is improved with a 336-unit apartment community that was built in 2000 and 2001. Additional improvements include a parking area, swimming pool, exterior lighting, landscaping, volleyball courts, playground, 24-hour fitness center, business computer center, car wash, free after school kids "Monster Club", gated access, maintenance building and office/clubhouse facility.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2003-R-121 on July 22, 2003, First Amended Resolution No. 2004-R-80 on April 27, 2004, and First Supplemental Resolution No. 2005-R-78 on April 26, 2005, authorizing the acquisition of the referenced property, and finding that the construction of the Elder Creek/C-15 (Ponds) improvement project is necessary and serves a county and public purpose and is in the best interests of the citizens of Seminole County. The Order of Take hearing is scheduled to occur on July 14, 2005, before the Honorable James E. C. Perry (assigned to case after July 1, 2005).

III ACQUISITION/REMAINDER

The acquisition is a rectangular stip taking that extends along the subject's northerly property line and existing southern right-of-way line of Narcissus Avenue. The taking includes 15,440 square feet or 0.354 acres of land area with a remainder of 17.945 gross acres.

IV APPRAISED VALUE

The County's initial appraisal, dated April 30, 2004 was \$74,400.00. The County's appraisal was prepared by Florida Realty Analysts, Inc., and was approved by the County's MAI designated staff appraiser.

V BINDING OFFER/NEGOTIATIONS

On July 13, 2004, the BCC authorized a binding written offer in the amount of \$82,000.00. Thereafter County staff negotiated this proposed litigation agreement in the amount of \$110,000.00, inclusive of all fees and costs.

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

The area near the Sanford Towne Center Mall where this property is located is one of the most rapidly developing areas in the County, with land values escalating accordingly. The County's appraisal reflects an April, 2004 valuation date which is already over a year old. If this case proceeded to a contested Order of Take hearing, the appraisal would have to be updated to a still later date of value, with additional appraisal fees to be paid as well. Considering the updated per square foot values

common in the area, the proposed settlement of \$110,000.00, inclusive of all fees and costs, is reasonable.

In addition, the property owner has agreed to sign a right of entry agreement with the County, allowing the project to commence prior to an Order of Take being entered. This cooperative attitude on the part of the property owner will save the County additional funds in construction costs.

VII RECOMMENDATION

County staff recommends that the BCC authorize total settlement in the amount of \$110,000.00, inclusive of all fees and costs.

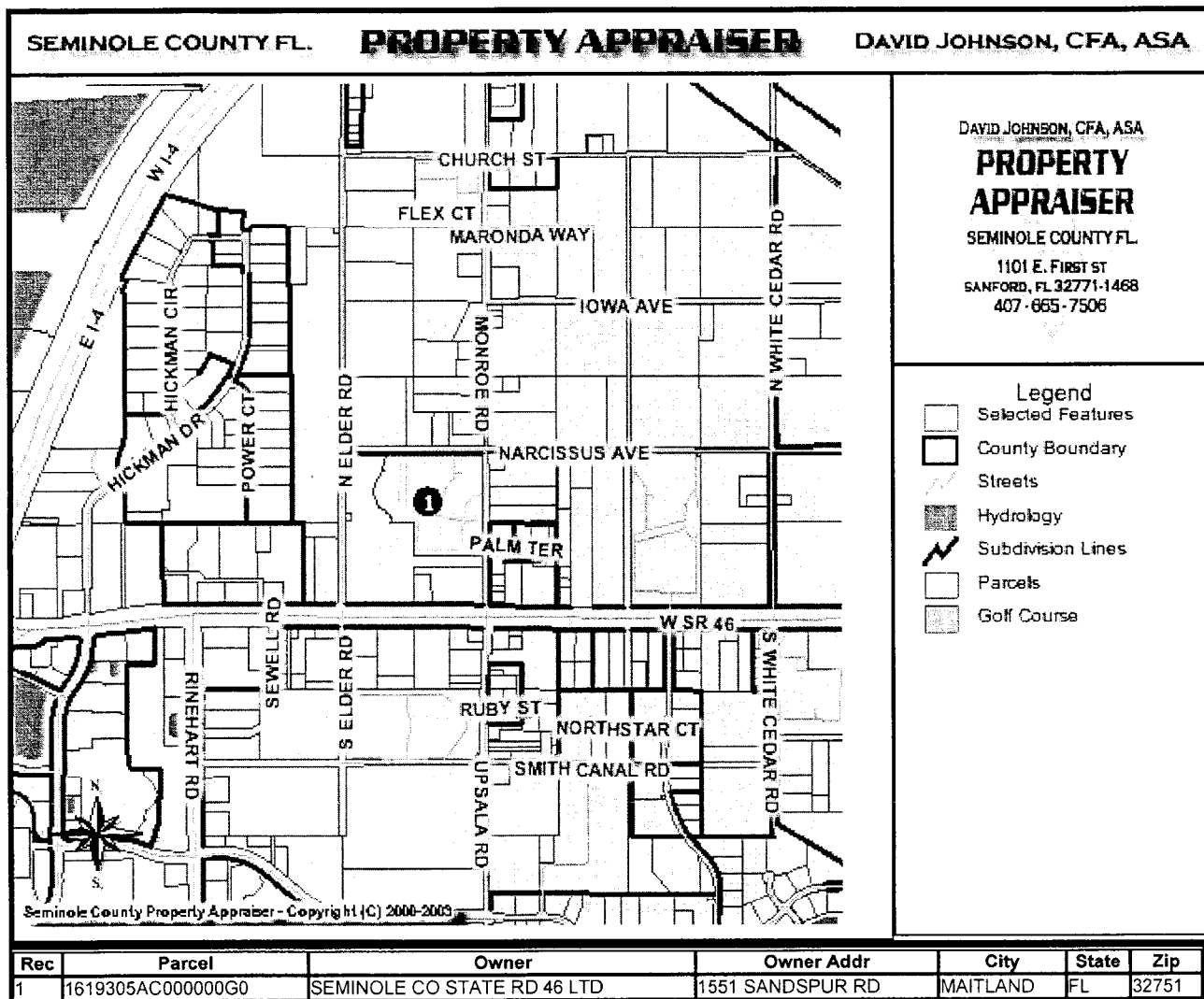
LV/kc

Attachments:

Location Map (Exhibit A)

Sketch (Exhibit B)

P:\USERS\ILVOUIS\SETTLEMENT MEMOS\ELDER CREEK\AGENDA ITEM ELDER CREEK B.J'S WHOLESALE.DOC

**EXHIBIT A**

PROPERTY SKETCH

Parent Tract	18.299 gross acres or 18.00 usable acres (Shaded Gray & Blue)
Fee Acquisition	15,440 square feet or 0.4059 acres (Shaded Blue)
Remainder	17.893 gross acres or 17.594 usable acres

PARCEL 6

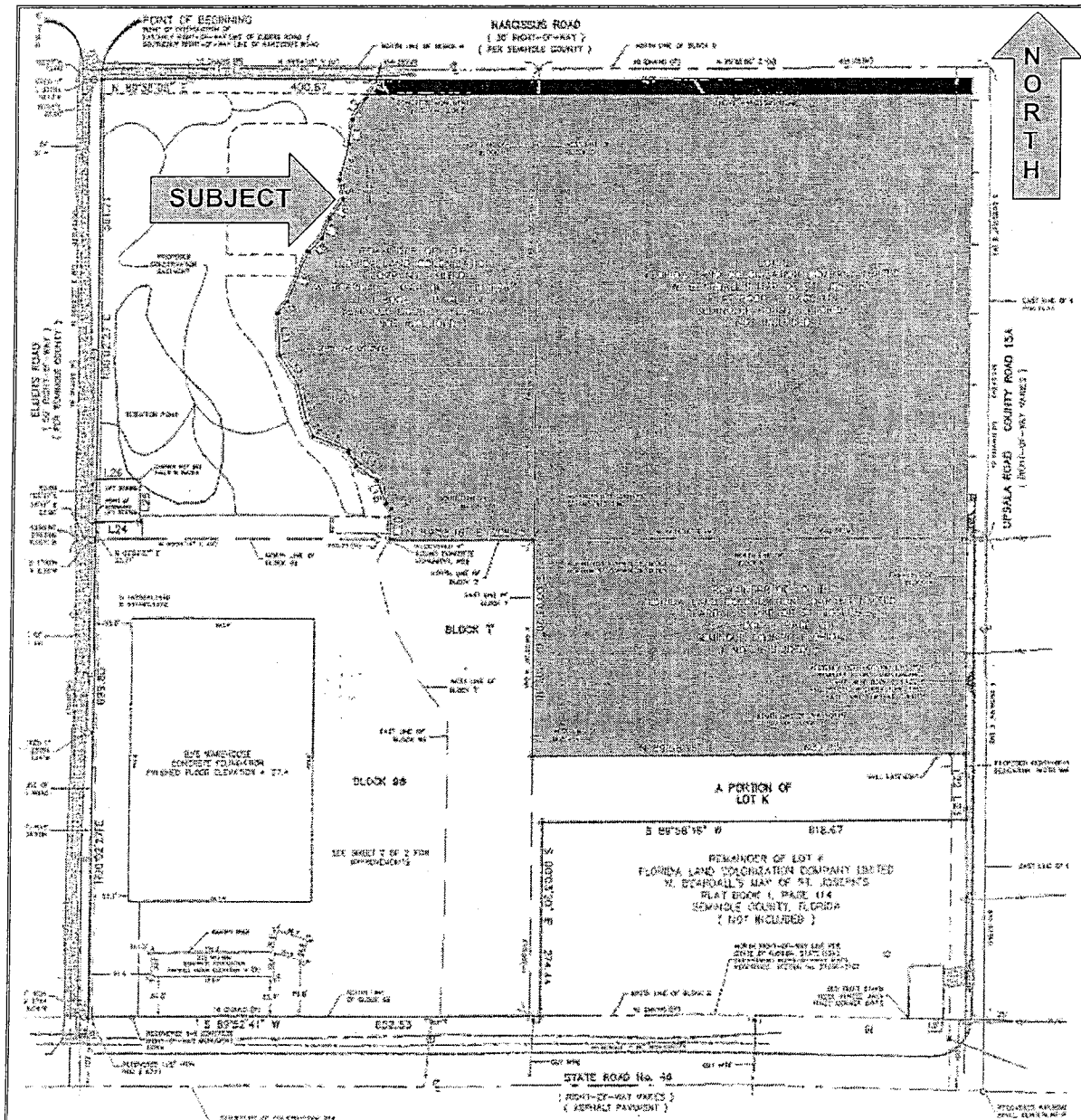


EXHIBIT B

Parcel No.: 6
Project: C. R. 15 (Upsala Rd.)/Elder Creek

Client: Seminole County
Appraiser Florida Realty Analysts, Inc.